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08/386,813 02/08/95 HOGLUND

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NOLD, C EXAMINER

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ART UNIT PAPER NUMBER

1315

DATE MAILED: 03/05/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-12 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-6, 10 are rejected.

5. ☒ Claims 7-9, 11-12 are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ This proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

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Part III DETAILED ACTION

Claim Objections

1. Claims 7-9 and 11-12 are objected to under 37 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See M.P.E.P. § 608.01(n). Accordingly, claims 7-9 and 11-12 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

2. Claims 1-6 and 10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim 1 phrase "and/or" renders claim 1 indefinite. There are two claims numbered '2'. Claim 2 is unclear because it cannot be determined how much "small amounts of resins in order to achieve elasticity properties substantially similar to one another" encompass; ie what encompass "small" is not clear and what the claim intends the value of "substantially similar to one another" is not clear. The second claim 2 is unclear for the same reasons, ie because it cannot be determined what encompass "small" and "substantially". Claim 2(the second claim 2) is indefinite because the language "about 1 to 4 g/m², preferable 2-3 g/m²" is indefinite because

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the metes and bounds of the claim are not clearly set forth. Claim 5 and 6 are indefinite because the 'preferably' language does not clearly set forth the metes and bounds of the claim. Claim 10 is unclear because there is no antecedent basis for "the viscose", "the die", "the one surface".

3. Claims 1-6 and 10 are rejected under 35 U.S.C. § 112, first paragraph, as the disclosure is enabling only for claims limited to including that the gap between the lips of the die, both upwards and downwards in the cylindrical disposition with the formed tube of paper and the face of the supporting metal ring or cylinder is fixed at .5-.7 , this is disclosed as critical on page 12. See M.P.E.P. §§ 706.03(n) and 706.03(z).

Specification

4. The disclosure is objected to because of the following informalities:

This application does not contain an Abstract of the Disclosure as required by 37 C.F.R. § 1.72(b). An Abstract on a separate sheet is required.

This application is informal in the arrangement of the specification.

Arrangement of Specification

The following order or arrangement is preferred in framing the specification and, except for the title of the invention,

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each of the lettered items should be preceded by the headings indicated below.

- (a) Title of the Invention.
- (b) Cross-References to Related Applications (if any).
- (c) Statement as to rights to inventions made under Federally-sponsored research and development (if any).
- (d) Background of the Invention.
 - 1. Field of the Invention
 - 2. Description of the Prior Art.
- (e) Summary of the Invention.
- (f) Brief Description of the Drawing.
- (g) Description of the Preferred Embodiment(s).
- (h) Claim(s).
- (i) Abstract of the Disclosure.

Figure 3 is not labeled "Figure 3".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-6 and 10 are rejected under 35 U.S.C. § 103 as being unpatentable over Applicant's admission of prior art as set

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forth in the specification at page 11, line 12 where it is disclosed that applicant has been using the dies claimed for many years. It has long been known to impregnate fibrous manilla hemp paper with a viscose solution and then to regenerate the viscose solution to produce cellulose food casings. Applicants process step has only incorporated a different starting material.

Claims 1-6 and 10 are rejected under 35 U.S.C. § 103 as being unpatentable over Underwood alone or alternatively in view of Smith. Underwood discloses a method of manufacturing porous paper webs made from manilla hemp fibers, col. 1, lines 26-27. The process discloses a cellulose casing having embedded therein the prebonded paper web, in the form of a tube, suitable for stuffing pieces of beef, pork and ham, col. 2, lines 6-14. Applicants method steps are completely disclosed in col. 1, lines to col. 2, line 4. The method steps taught in the above cited section include (1) forming a paper into a tube, col. 1, lines 51-54, (2) impregnating the tube with viscose, col. 1, lines 58-62, (3) treating the tube with one or more acid or salt baths, col. 1, lines 62-70 to regenerate the cellulose. A plasticizer of glycerol is disclosed in col. 1, line 71. Underwood fails to disclose applicants claimed air dry weight of the manilla hemp fiber being no more than 15 g/m², 13 g/m² or between 12-14 g/m² or a tubing diameter of 165 mm. Applicants claimed tubing diameter of 165 mm would have been an obvious design choice for a

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diameter of a sausage casing to produce a tubing which would have sufficient commercial applicability and success. It would have been obvious to one having ordinary skill in the art to claim a manilla hemp fiber of from 12-15 g/m² because there is economic incentive to reduce the basis weight of the casing. Reduction of casing thickness is also desirable as it allows production of a shirred product having a higher shir density. Alternatively the secondary reference Smith, US 2,105,273 teaches the use of "extremely attenuated and porous" papers as preferable, col. 5, lines 30-31. This teaching would suggest to one having ordinary skill in the art to use as light a paper as possible to provide the benefit of semi-transparency or translucency as disclosed in Smith in col. 5, lines 39-40.

CRYSTAL MALL 1 FAX CENTER

A facsimile center has been established in Crystal Mall 1, room 8D10. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. the telecopier number for accessing the facsimile machine is (703) 305-5436. This new location should be used in all instances when faxing any correspondence to Examiner Charles R. Nold, Art Unit 1508. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30, November 15, 1989.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Charles R. Nold whose telephone number is (703) 308-4416.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2351.

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CR Nold

Charles R. Nold
Primary Examiner
Group 1300

crn
March 1, 1996